

killing in Kosovo. Can't we stop killing civilians who are not involved in this while we talk about what our options might be?

I think one of the most trenchant and insightful analyses of what happened to this country in Vietnam was written by Barbara Tuchman in a book called "The March of Folly." In that book she described how people persist in going after solutions that do not work, because they do not want to admit that it won't work, and they are sure that if we just keep bombing a little bit longer, somehow something will work out.

Shortly after I had my exchange with Secretary Albright, the President, President Clinton, was asked, "What will you do if the bombing does not work?" He was asked by the Prime Minister of Italy. According to the Washington Post, he looked startled at the question, then turned to National Security Advisor Sandy Berger for an answer. Mr. Berger gave him the answer, "We will continue bombing."

To me, that is folly. To me, that is not Churchillian. To me, that is not looking around to see what else might be there. I suggest, again, I call for a suspension of the bombing while we review our options, admit that the bombing hasn't worked and try to devise a new strategy that will. Perhaps there is none. After all of this analysis we may come to the conclusion there is nothing we can do now that the brutalities have taken place and the Kosovars have been driven from their homes. There may be nothing we can do effectively to restore them. For those who say how humiliating it would be for the United States to admit that, I ask this question, "How humiliating will it be if we go forward and fail to achieve our goals? Wouldn't we have been better off in Vietnam if we had admitted that we were not getting it done long before the time came when that humiliating scene we all saw on our television screens of the helicopters above the Embassy in Saigon was broadcast throughout all the world?"

I voted for the supplemental bill that provided the military funds with respect to the operation in Kosovo. I did so because I lost the first debate. The bombing went on. The funds were spent. The President has exhausted all of the funds of the Department of Defense through the balance of this year, and it would be irresponsible, in my view, not to replenish those funds so the Defense Department can function now. I voted to replenish the funds that have already been spent. But I call on us to stop spending those funds now, while we undertake a comprehensive review of our strategy and address, once again, the fundamental question that was not answered in the beginning, and has not been answered so far, which is still, "Will it work?"

I conclude by saying that the historic figure upon whom I called for the rationality of answering that question is

Winston Churchill, the man who went to the front lines and saw that trench warfare was insanity and came back to become the father of the tank, who looked for another alternative. There must be something better than what is happening in Kosovo right now. Let us suspend the bombing and search for it.

I yield the floor.

Mr. President, I have an additional 5 minutes under my control, which I yield to the Senator from Nebraska, Mr. HAGEL.

Mr. DORGAN. Mr. President, if the Senator from Nebraska will yield.

The PRESIDING OFFICER. The Senator is recognized.

Mr. HAGEL. I am happy to yield to my colleague from North Dakota.

#### EXTENSION OF MORNING BUSINESS

Mr. DORGAN. Mr. President, I have cleared this request. I ask unanimous consent that morning business be extended until the hour of 1:30, and that at 1 I be recognized for 20 minutes in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The distinguished Senator from Nebraska is recognized.

#### 75TH ANNIVERSARY OF AMERICAN FOREIGN SERVICE

Mr. HAGEL. I thank the Chair, and I thank my friend and colleague from Utah for some additional time.

I rise today to commemorate the 75th anniversary of the creation of the modern American Foreign Service.

We have all traveled abroad. I have visited over 60 countries over the years. As many Americans, I have seen firsthand the dedication of professional Foreign Service officers in some of the most difficult and dangerous working environments in the world.

There is no longer any clear division between domestic and international issues. Transportation, trade, telecommunications, technology, and the Internet have changed all that.

As our Nation grew, it became more globally engaged. Over the last 200 years, year after year, America has become an international community. In 1860, we had only 33 diplomatic missions around the world. But we had 253 consular posts abroad, primarily involved in supporting our Nation's dramatic economic growth and trade expansion. As America's role in the world grew, we took on more responsibility. America's diplomacy needed to draw from the broad strength of our democratic society. And that, too, grew.

The solution was the Rogers Act of 1924. This act created America's first professional competitive Foreign Service. It merged the small, elite diplomatic corps with the more broadly based consular services. The Rogers Act established a merit-based exam system to recruit the best our growing

Nation had to offer without regard to family ties or political favors.

America's diplomats are unsung heroes. Americans understand and appreciate the sacrifices of duty, honor, and country we ask every day from our military around the world. However, not enough Americans know about the sacrifices we also ask every day from our American Foreign Service officers around the world. Just like our military, they serve our national interests abroad in an increasingly uncertain and dangerous world.

Our military's purpose is to fight and win wars. The purpose of our diplomats is to prevent wars. This makes recognition for their work more difficult. This is a little like listening for the dog that doesn't bark. But our Foreign Service officers do much more than prevent wars and resolve crises. They negotiate agreements to expand trade and open up foreign markets. They protect Americans abroad who find themselves in trouble and many more important responsibilities. They explain American policies to often hostile nations. They help negotiate arms control agreements to stem the dangerous proliferation of weapons of mass destruction.

The work of the Foreign Service is relevant. It is very relevant to the daily lives of every American. Their many successes are often unheralded. We take them for granted. The Foreign Service has endured the same underfunding and poor working conditions as has our military services. In the last decade, the Foreign Service has experienced similar recruitment and retention problems, as has the military.

Since 1992, the Foreign Service has declined 11 percent, even while we have asked the Foreign Service to open up new missions in Central Asia and Eastern Europe and increase staffing in China. This has led to sharp staff reductions elsewhere in the world.

In my travels, as I am sure in your travels, Mr. President, and all of our colleagues' travels, we have also seen how run down and dangerous many of our embassies around the world have become. This has a real impact on our national interest. This is as dangerous as what we have been doing to our military. It is like asking the Air Force to permanently maintain an increased flight tempo with aging aircraft and a severe shortage of pilots. This all has serious consequences to our country. Few appreciate how dangerous it has become for our diplomats who defend America's interests the world.

Since World War II, more ambassadors have been killed in the line of duty than generals and admirals. The Secretary of State has commemorated 186 American diplomats who have died under "heroic or inspirational circumstances."

Finally, in today's global community, we have a greater need for an active, energetic, and visionary foreign policy and those who carry out that foreign policy than ever before.

Today, we all commemorate the 75th anniversary of the creation of the modern American Foreign Service, and we are stronger and better for it.

The PRESIDING OFFICER. The time between 12:30 and 1 p.m. shall be controlled by the Senator from New Hampshire.

The distinguished Senator from New Hampshire is recognized.

(The remarks of Mr. SMITH of New Hampshire pertaining to the submission of S. Res. 107 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. KYL). The time of the Senator has expired. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I ask unanimous consent that Senator JOHNSON be added as a cosponsor to S. 1022, the Veterans Emergency Health Care Act of 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGE OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent that Josh Alkin, a member of my staff, be given the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FEDERAL SON OF SAM LEGISLATION

Mr. DORGAN. Mr. President, last week we debated the Juvenile Justice Act. We had a good number of provisions, especially dealing with guns, gun shows, and gun sales that were very controversial. I did not speak last week on an amendment I offered to the juvenile justice bill that became a part of that and is now a provision that has been passed by the Senate. I want to take a few minutes today to describe the amendment I offered and its importance.

Some while ago, I was watching a television program. It was about a serial killer, a man who killed four women and one man in Gainesville, FL. The program described the book this serial killer has written: "The Making of a Serial Killer: The Real Story of the Gainesville Murders in the Killer's Own Words."

I thought: That cannot be the case. If you murder four or five people and are sent to prison, you lose your right to vote and you lose certain rights. Do you have a right to write a book and profit from it? This television program described the dilemma.

There was a murderer in New York who was described as the "Son of Sam" murderer many years ago. He was sent to prison and wrote a book in order to profit from his murder. In other words, a violent murderer goes to prison and spends his time writing a book to sell to the public to make money. Is that a right prisoners have in this country after committing a violent crime? Is

there a constitutional right to profit from a violent crime in America? I do not think so.

The State of New York passed a statute, the "Son of Sam" statute, and the Federal Government passed a statute saying that the proceeds from a book written by a violent offender who is sent to prison cannot be retained by the violent criminal.

That was appealed and went to the U.S. Supreme Court. Guess what. The U.S. Supreme Court said: No, you may not prohibit the expressive writings of a violent criminal, because that is a violation of the first amendment. I am truncating the Supreme Court decision, but essentially the Supreme Court invalidated the "Son of Sam" laws. The Federal law has never been enforced, to my knowledge, and the State laws have been invalidated.

So we had a circumstance where, on the program I watched, this serial killer was interviewed. The woman with whom he apparently is romantically involved, who is one of the sponsors of this book, was interviewed. It raised the question in my mind: Shouldn't we correct this issue and these statutes so the next time this goes to the Supreme Court, the Supreme Court will not overturn the law?

I wrote a piece of legislation, after consultation with some constitutional lawyers, that I think does solve this issue and will say to any prospective author, some disgusting human being who murders four young girls and a man in Gainesville, FL, who now says, I want to write a book to describe the detail, the horrible detail of these murders: You can write until you are dead, but you will never ever profit, you will never profit by writing the accounts of your murders and then sell a book and keep the money. Not just you, but your agent, those to whom you assign the profits—you will not be able to reap the rewards of telling the gruesome, dirty tales of your sordid criminal lives.

The juvenile justice bill which passed last Thursday has an amendment in it that closes the loophole and rewrites the Federal law. It says that any individual convicted of any Federal or State felony or violent misdemeanor, if that convicted defendant tries to sell his book, movie rights, or other expressive work or any property associated with the crime—a bloody glove, murder weapon, photos and so on—whose value has been enhanced by that crime, then the U.S. attorney will make a motion to forfeit all proceeds that would have been received by the defendant or the defendant's transferee—spouse, partner, friends, and so on.

Is this important? I think it is. I think we ought to have a Federal statute, and if the Supreme Court said the "Son of Sam" statute is not valid, we ought to have a Federal statute that says to anybody in this country: If you commit a violent crime and you go to prison, do not expect to sit in prison and write and profit by publishing a book about your crime.

I offered that in the Senate last Thursday, and I was joined by my colleague, Senator EVAN BAYH. It has now passed the Senate, and my hope is my colleagues in the House will see fit to keep this in the Juvenile Justice Act, and it will go to the President and be signed into law.

(The remarks of Mr. DORGAN pertaining to the submission of S. Res. 105 are located in today's RECORD under "Submissions of Concurrent and Senate Resolutions.")

#### COMPREHENSIVE NUCLEAR TEST BAN TREATY

Mr. DORGAN. Mr. President, I want to make a point about something which I think is critically important to the Senate and to this country and its future. It is something we are spending no time on and pay no attention to. It is the issue of the Comprehensive Nuclear Test Ban Treaty.

In the past two State of the Union Addresses, the President has asked Congress to report out and approve the nuclear test ban treaty.

Going back to a time when President Eisenhower talked about this issue, I think most Americans understand the value of and the interest in a test ban treaty.

Since 1945, six nations have conducted 2,046 nuclear test explosions. That is an average of one test every 9 days. There are a few countries that have the capability of producing a nuclear weapon and testing a nuclear weapon. There are many countries that want that capability. Stopping the spread of nuclear weapons, stopping the spread of missile technology, the means by which nuclear warheads can be delivered, is critically important.

It seems to me one of the underpinnings of those efforts must be the passage of the Comprehensive Nuclear Test Ban Treaty. The United States has been under a moratorium of nuclear tests. We have not been testing since that moratorium began in 1992. We do not test nuclear weapons. We have been a leader. In this area, ratifying the Comprehensive Test Ban Treaty is not only important public policy for our country and the world, it is important in the context of our leadership in these areas.

The difficulties we now have in the Balkans and the ruptures that have occurred with our relationship with the Russians, it seems to me, ought to emphasize to us how important it is to turn back to these issues of arms control.

We know that the Iranians are testing medium-range missiles. We know that the North Koreans are testing medium-range missiles. We know that India and Pakistan exploded nuclear weapons under each other's nose, and they do not like each other.

Ought that be of some concern to us? Of course it should. Yet, the Nuclear Test Ban Treaty—the CTBT it is called—the Comprehensive Nuclear